IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.1485 of 2007

Shankar Keddu Shetty — Petitioner
Vs.
Jayram Mahabali Shetty & anr. — Respondents

Mr.K.H.Holambe Patil for petitioner.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 13, 2007.

P.C.

. Heard Mr.Holambe Patil, the learned counsel for the petitioner-accused. There is no dispute that when the accused gave reply to the statutory notice under Section 138 of the Negotiable Instruments Act, 1881, the defence about the validity of the cheque was never raised and, therefore, the view taken by both the Courts below in declining to refer the cheque for examination by the handwriting expert cannot be faulted with.

. Hence the petition is rejected. However, the validity of the cheque cannot be prevented to be agitated in the trial of the complaint on the basis of the evidence or before the lower Appellate Court, if and when required.

(B.H.MARL